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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,680	10/20/2001	Werner Haug	FE-15PCT	8233

7590 03/28/2005
Friedrich Kueffner
Suite 1921
342 Madison Avenue
New York, NY 10173

EXAMINER

COSIMANO, EDWARD R

ART UNIT PAPER NUMBER

3639

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,680

Applicant(s)

HAUG, WERNER

Examiner

Edward R. Cosimano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/20/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's claim for the benefit of an earlier filing date under 35 U.S.C. § 119 and 35 U.S.C. § 120 is acknowledged.
2. This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.
3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.52, 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.1 Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Otani et al (6,106,094) as interpreted by either Gihm (EP 0376575 or EP 0376576).

4.1.1 In regard to claims 1-3, Otani et al ('094) discloses a computer control system for printing postal items in which a computer using inputs from various sensors controls a conveyor and printer. To this end an item of mail is conveyed by motor driven feed rollers and a guide past printer portion 200 that uses an inkjet printer to print postage indicia on postal items. As an item of mail is conveyed past printer portion 200 an encoder portion 420 encodes the position of a drive roller so as to control the sequence of printing the postage indicia by using an encoder to sense and encode the speed and position of the item of mail as it passes the printer portion, so that printer portion 200 may properly print each of the individual rows/columns of dots that form the postage indicia. Although Otani et al ('094) indicates that the conveyor portion uses roller, Otani et al ('094) does not disclose the use of a pressure roller after the feed rollers as recited in claim 1. However, as taught by either Gihm ('575 or '576) the conveyor portion of Otani et al ('094) would contain at least two conveyor rollers

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that rotate around an axis that is transverse to the direction of travel of the item of mail in order to move the item of mail along a guide path. Further as taught by either Giham ('575 or '576) the printing/conveyor portion of Otani et al ('094) would include a pressure roller located opposite of the printer in order to apply a counter pressure on the item of mail against the printer so as to increase the transfer of ink to the item of mail..

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5.1 Claims 4 & 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Otani et al (6,106,094) as interpreted by either Giham (EP 0376575 or EP 0376576) as applied to claims 1-3 and further in view of some obvious considerations.

5.1.1 In regard to the structure use in claim 4 & 5 to provide the counter pressure, since it is noted that, items of mail may not be the same thickness, it would have been obvious to one of ordinary skill at the time of the invention that the system of Otani et al ('094) as interpreted by either Giham ('575 or '576) could use any suitable structure that would have some flexibility in applying a constant counter pressure against the printer regardless of the thickness of an item of mail, such as friction rollers, levers and springs, absent applicant's showing of new and unexpected results from a particular structural arrangement.

6. The examiner has cited prior art of interest, for example:

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A) either Schwartz (4,168,533) or Goldberg et al (5,848,401) which discloses a hand-held postage meter that prints postage on preprinted tape.

7. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783 (after 13 April 2005 (571) 272-6802). The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702 (after 13 April 2005 (571) 272-6812). Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

8.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

8.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

8.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

03/20/05


Edward R. Cosimano
Primary Examiner A.U. 3629